

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

## REPLACEMENT

Monday, December 7, 2009, 7:00 p.m.

### ROLL CALL

### PLEDGE OF ALLEGIANCE

**PUBLIC HEARING** - 7:00 p.m. - 2010 budget and levy.  
7:00 p.m. - 2010 alcoholic beverage license fees.  
7:00 p.m. - Capital improvement plan.

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*The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

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### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

- \* 09-1207-01 Miller Dwan Foundation, by William Burns, attorney, petition to reclassify from R-1-b, one-family residential, to S, suburban, property described as Lots 1 - 16, inclusive, Block 11, and Lots 2, 4, 6, 8, 10, 12, 14 and 16, Block 12; all that part of Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, Block 10, lying northwesterly of Pecan Avenue and southwesterly of Rice Lake Road, together with the adjacent vacated streets and alleys, all in Clague and Prindle's Addition. -- Assessor
- \* 09-1207-02 Jeff Smith and Pete Lambert, by Northern Lights Landscaping, concurrent use permit application to construct a retaining wall for creation of off street parking at 610 and 618 West Skyline Parkway. -- Planning commission
- \* 09-1207-03 James Walsh communication regarding proposed rezoning on Park Point (09-0707R and 09-060-O). -- Received

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### REPORTS FROM OTHER OFFICERS

- \* 09-1207-04 Assessor affidavit of mailing of notice of public hearing by the special assessment board to be held on December 8, 2009, 2:30 p.m., Room 106A, City Hall, on reassessment and levying of assessments against real estate especially benefitted, Plat 0070 Parcel 00290 (7302 Cardigan Street), delinquent solid waste and stormwater sewer fees (assessable amount: \$5,330.89 (2001 - 2008)). -- Received
- \* 09-1207-05 Clerk application to the Minnesota gambling control board for exemption from lawful gambling licenses (raffle) from St. Michael's Church on February 28, 2010. -- Received

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### REPORTS OF BOARDS AND COMMISSIONS

- \* 09-1207-06 Duluth legacy endowment fund advisory board minutes of September 14, 2009, meeting. -- Received
- \* 09-1207-07 Duluth transit authority: (a) Financial statement of August 2009; (b) Minutes of September 30, 2009, meeting. -- Received
- \* 09-1207-08 Entertainment and convention center authority minutes of November 24, 2009, meeting. -- Received

- \* Listed only, not copied.

## RESOLUTION TABLED

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09-0739R - RESOLUTION SETTING FORTH REQUIREMENTS FOR MEETINGS OF THE AMBULANCE/  
EMERGENCY SERVICES TASK FORCE.

**COMMITTEE 1**

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

09-0689R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO BLAZIN WINGS, INC. (BUFFALO WILD WINGS GRILL & BAR), 1307 MILLER TRUNK HIGHWAY.

09-0728R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING OFF SITE PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION.

**BY COUNCILOR GARDNER (PERSONNEL)**

09-0727R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF WATER PLANT OPERATOR B.

09-0743R - RESOLUTION ELECTING MEMBER TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 115.23, SUBDIVISION 7.

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

09-0723R - RESOLUTION EMPOWERING THE ST. LOUIS COUNTY HOUSING AND REDEVELOPMENT AUTHORITY TO PROVIDE FUNDING TO A PROJECT WITHIN THE BOUNDARIES OF THE CITY OF DULUTH.

09-0737R - RESOLUTION AUTHORIZING A THIRD AMENDMENT TO THE MINNESOTA INVESTMENT FUND (MIF) AGREEMENT WITH THE STATE OF MINNESOTA AND FURTHER AUTHORIZING A THIRD AMENDMENT TO THE MIF LOAN AGREEMENT AND A THIRD PROMISSORY NOTE MODIFICATION AGREEMENT WITH NORTHSTAR MACHINE AND TOOL, INC., D.B.A. NORTHSTAR AEROSPACE, ALLOWING INTEREST-ONLY PAYMENTS FOR AN ADDITIONAL SIX MONTH PERIOD.

**BY PRESIDENT GILBERT (COMMITTEE OF THE WHOLE)**

09-0725R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2010 IN THE NET AMOUNT OF \$162,000.

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)**

09-0719R - RESOLUTION REVOKING ANOKA STREET FROM HOWARD GNESEN ROAD TO MAXWELL AVENUE AS A MUNICIPAL STATE AID STREET.

09-0720R - RESOLUTION REVOKING TENTH AVENUE EAST FROM NINTH STREET TO KENWOOD AVENUE AS A MUNICIPAL STATE AID STREET.

**BY COUNCILOR CUNEO (PUBLIC SAFETY)**

09-0715R - RESOLUTION TO ESTABLISH NO PARKING ON BOTH SIDES OF MAPLE GROVE ROAD AND BOTH SIDES OF COTTONWOOD AVENUE.

**COMMITTEE 3**

**BY COUNCILOR CUNEO**

**(PUBLIC SAFETY)**

09-0722R - RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO LAKE SUPERIOR DRUG AND GANG TASK FORCE JOINT POWERS AGREEMENT PROVIDING FOR THE PARTICIPATION THERETO BY LAKE COUNTY.

09-0724R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, THE CITIES OF HERMANTOWN, MINNESOTA, AND SUPERIOR, WISCONSIN, AND THE COUNTY OF ST. LOUIS, PROVIDING FOR CITY OF DULUTH PARTICIPATION IN THE ATF/NORTHERN MINNESOTA TASK FORCE.

09-0726R - RESOLUTION ACCEPTING OVERTIME REIMBURSEMENT IN THE AMOUNT OF \$36,698.28 FROM THE NORTHEAST LAW ENFORCEMENT ADMINISTRATOR'S COUNCIL FOR POLICE SERVICES RELATED TO THE 2009 HELLS ANGELS RALLY.

**BY COUNCILOR ANDERSON (RECREATION, LIBRARIES & AUTHORITIES)**

09-0717R - RESOLUTION AUTHORIZING THE RETURN TO THE ESTATE OF OSCAR J. SLOTNESS THE UNSPENT PORTION OF A BEQUEST IN THE AMOUNT OF \$51,667.74.

**END OF CONSENT AGENDA**

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The following entitled resolutions are also for consideration at this meeting:

**COMMITTEE 1**

**BY COUNCILOR FEDORA**

**(FINANCE)**

09-0731R - RESOLUTION DISTRIBUTING THE ESTIMATED 2010 TOURISM TAXES OF HOTEL-MOTEL AND FOOD AND BEVERAGE. **(AMENDMENTS)**

09-0732R - RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2010, TO DECEMBER 31, 2010, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

**NEW** 09-0742R - RESOLUTION ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2010.

**BY COUNCILOR GARDNER**

**(PERSONNEL)**

09-0741R - RESOLUTION CONFIRMING THE APPOINTMENT OF ADELE HARTWICK AS THE CHIEF FINANCIAL OFFICER FOR THE CITY OF DULUTH.

**COMMITTEE 2**

**BY PRESIDENT GILBERT**

**(COMMITTEE OF THE WHOLE)**

**NEW** 09-0745R - RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT IN THE DISPUTE BETWEEN THE CITY OF DULUTH AND MERRILL LYNCH PIERCE FENNER & SMITH, INC. IN THE AMOUNT OF \$1,975,583.

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)**

09-0718R - RESOLUTION ESTABLISHING JOSHUA AVENUE FROM MAPLE GROVE ROAD TO ARROWHEAD ROAD AS A MUNICIPAL STATE AID STREET.

09-0738R - RESOLUTION AUTHORIZING THE RENEWAL OF A LICENSE AGREEMENT WITH DULUTH SEAWAY PORT AUTHORITY FOR THE 2009-2010 WINTER SEASON TO DISPOSE OF SNOW ON DULUTH SEAWAY PORT AUTHORITY PROPERTY.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

The following entitled ordinances are to be read for the first time:

**COMMITTEE 1**

**BY COUNCILOR FEDORA (FINANCE)**

09-057-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2010.

09-058-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2010.

**NEW** 09-061-O - AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2010 APPROPRIATION MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

09-060-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 30 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-C, ONE-FAMILY RESIDENTIAL, TO R-3, APARTMENT RESIDENTIAL, PROPERTY LOCATED BETWEEN MINNESOTA AVENUE AND SAINT LOUIS AVENUE FROM 16TH STREET TO 200 FEET SOUTHERLY (PARK POINT PROPERTIES).

**COMMITTEE 3**

**BY COUNCILOR FOSLE (PUBLIC WORKS & UTILITIES)**

09-056-O - AN ORDINANCE ESTABLISHING A PROGRAM TO CONTROL INTRODUCTION OF FATS, OILS AND GREASE INTO THE SANITARY SEWER SYSTEM, AMENDING VARIOUS DEFINITIONS IN CHAPTER 43 OF THE CODE AND ADDING A NEW DIVISION 2 TO ARTICLE VI OF CHAPTER 43 OF THE CODE.

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**COUNCILOR QUESTIONS AND COMMENTS**

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